IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1002/2002

SMT. OMA Vs. KAILASH

DATE: 12.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Shashi Shekhar Gaur for the petitioner.
Mr. Anurag Sharma for the respondent.

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This criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 24.08.2002 passed by the Family Court No.2, Jaipur in Case No. 245/2001, by which the application moved by the petitioner Smt. Oma under Section 125 Cr.P.C. has been dismissed.

I am not convinced with the reasons given by the Family Court vide its judgment dated 24.08.2002 and more particularly because the applicant-petitioner is not residing with her husband, cannot be a ground for rejection of the application moved under Section 125 Cr.P.C.

I do not want to express any opinion on the merits of the case, but in the interest of justice, the impugned judgment dated 24.08.2002 passed by the Family Court No.2, Jaipur is hereby quashed and set-aside with

direction that the Court below shall hear the matter afresh on the application under Section 125 Cr.P.C. and shall decide the application in accordance with the provisions of law by speaking order.

The revision petition stands allowed accordingly.

(K.S. RATHORE),J.

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